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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,178	07/05/2005	Michael Steiert	2002P19801WOUS	6618

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SIEMENS SCHWEIZ AG
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ZURICH, CH-8047
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EXAMINER

TSIDULKO, MARK

ART UNIT	PAPER NUMBER
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2875

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/541,178

Applicant(s)

STEIERT, MICHAEL

Examiner

Mark Tsidulko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-9 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>011607</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The submission of amendment filed on 12/27/2006 is acknowledged. At this point claims 3 and 9 have been amended, claim 1 has been canceled and the remaining claims left unchanged.

Thus, claims 2-9 are at issue in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kino et al. (US 6,499,852) in view of Ikeuchi et al. (US 6,210,011).

Referring to Claims 9, 4 Kino et al. disclose (Figs.2, 3) an instrument cluster including a PCB [100], on which a light source [95] is provided, a frame [50] in which a PCB is held, a display panel [10] arranged directly on the PCB (col.11, lines 1, 2) and a light guides [60], [70], [80] having incoupling (light entering) surface (Fig.4) and outcoupling (light outgoing) surface (Fig.8), and partially surrounding light sources [95] are held in the frame in an area adjoining the PCB.

Kino et al. disclose the instant claimed invention except for display panel arranged directly on a circuit board without spacing.

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Ikeuchi et al. disclose (Fig.9) a display panel [10] arranged on a circuit board [90] without spacing.

Referring to Claim 5 Kino et al. disclose that the light source is LED (col.6, lines 51, 52).

Referring to Claim 6 Kino et al. disclose that the light guide deflects light between the incoupling surface (Fig.4) and outcoupling surface (Fig.8).

Referring to Claim 7 Kino et al. disclose that each light guide is made of plastic in one piece (Fig.2, col.5, lines 56-58) attached to the frame [50].

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Kino et al. having a display panel arranged on a circuit board, as taught by Ikeuchi et al., in order to obtain more flat structure, to reduce the size of the device.

Referring to Claim 8 Kino et al. disclose the instant claimed invention except for that the light guide and frame are produced in one piece using two-component injection molding process.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to produce the light guide and frame in one piece, in order to decrease quantity of parts of the device and simplify assembling. In addition, the Applicant is advised that it has been held by the courts that patentability of a product does not depend on its method of production. If the product in the product-by-process claim is disclosed, or suggested, by the Prior Art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

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Allowable Subject Matter

Claims 2, 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Referring to Claim 2 the prior art of record fails to show an instrument cluster, wherein a dial is printed on a circuit board.

Referring to Claim 3 the prior art of record fails to show an instrument cluster, wherein a dial is bonded on a circuit board.

Response to Arguments

Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection. New limitation of amended claim 9 is disclosed in US 6,210,011 to Ikeuchi et al.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

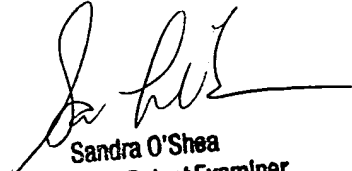
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.

March 14, 2007


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800

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